

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,  Plaintiff-Applicant,  v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendant.	Adv. Pro. No. 08-01789 (SMB)  SIPA Liquidation  (Substantively Consolidated)
In re:  BERNARD L. MADOFF,  Debtor.	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff,  Plaintiff,  v.  RAFAEL MAYER, DAVID MAYER, MONTPELLIER INTERNATIONAL LTD., PRINCE ASSETS LTD. (f/k/a PRINCE ASSETS LDC), KHRONOS GROUP LTD. (f/k/a MONTPELLIER RESOURCES LTD.), PRINCE RESOURCES LDC, MONTPELLIER USA HOLDINGS LLC, PRINCE CAPITAL PARTNERS LLC, and KHRONOS LIQUID OPPORTUNITIES FUND LTD.  Defendants.	Adv. Pro. No. 20-01316 (SMB)

**STIPULATION AND CONSENT ORDER**

WHEREAS, on November 11, 2020 the plaintiff, Irving H. Picard (the “Trustee”), as trustee for the liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”), under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III (“SIPA”), substantively

consolidated with the chapter 7 estate of Bernard L. Madoff (“Madoff”), filed a complaint (the “Complaint”) in this adversary proceeding; and

WHEREAS, Defendants Rafael Mayer and Prince Capital Partners LLC have been served with process in this adversary proceeding prior to entering into this Stipulation and Consent Order; and

WHEREAS, Defendants David Mayer, Prince Resources LDC and Khronos Liquid Opportunities Fund Ltd. have not been served with process in this adversary proceeding prior to entering into this Stipulation and Consent Order; and

WHEREAS, Defendant David Mayer has agreed to allow its counsel, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., to accept service of the Complaint in lieu of requiring the Trustee to effect personal service of the Complaint outside the United States upon David Mayer; and

WHEREAS, Defendant Prince Resources LDC has agreed to allow its counsel, Cohen & Gresser LLP, to accept service of the Complaint in lieu of requiring the Trustee to effect personal service of the Complaint outside the United States upon Prince Resources LDC; and

WHEREAS, Defendant Khronos Liquid Opportunities Fund Ltd. has agreed to allow its counsel, Yankwitt LLP, to accept service of the Complaint in lieu of requiring the Trustee to effect personal service of the Complaint outside the United States upon Khronos Liquid Opportunities Fund Ltd.; and

WHEREAS, counsel for Defendants Rafael Mayer, David Mayer, Prince Capital Partners LLC, Prince Resources LDC and Khronos Liquid Opportunities Fund Ltd. have met and conferred with the Trustee’s counsel and agreed upon the briefing schedule set forth below;

IT IS HEREBY STIPULATED AND AGREED, by the undersigned counsel, that:

- a. Motions to dismiss shall be filed on or before March 2, 2021;
- b. The Trustee's opposition papers in response to any motions to dismiss shall be filed on or before May 4, 2021; and
- c. Reply papers in further support of motions to dismiss shall be filed on or before June 1, 2021.

IT IS FURTHER STIPULATED AND AGREED that the initial pre-trial conference set forth in Docket No. 3 shall be adjourned *sine die*.

IT IS FURTHER STIPULATED AND AGREED that Defendants David Mayer, Prince Resources LDC and Khronos Liquid Opportunities Fund Ltd. waive personal service and will accept service of the summons and Complaint by email to their respective counsel. The Trustee and Defendants Rafael Mayer, David Mayer, Prince Capital Partners LLC, Prince Resources LDC and Khronos Liquid Opportunities Fund Ltd. reserve all rights and defenses they may have, including but not limited to defenses based on personal jurisdiction, venue and forum non conveniens, and entry into this Stipulation shall not impair or otherwise affect such rights and defenses, except for any defenses based upon sufficiency of service of the Complaint.

Dated: January 22, 2021  
New York, New York

Dated: January 22, 2021  
New York, New York

/s/ David J. Sheehan

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/s/ Eric B. Fisher

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*for the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff Investment  
Securities LLC and the chapter 7 estate of  
Bernard L. Madoff*

*Attorneys for Rafael Mayer*

Dated: January 22, 2021  
New York, New York

Dated: January 22, 2021  
Miami, Florida

/s/ Daniel H. Tabak

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*Attorneys for David Mayer*

Dated: January 22, 2021  
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/s/ Daniel S. Alter

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*Attorneys for Khronos  
Liquid Opportunities Fund Ltd.*

SO ORDERED: January 22, 2021

/s/ STUART M. BERNSTEIN  
HON. STUART M. BERNSTEIN  
United States Bankruptcy Judge